

HOUSE JOINT RESOLUTION NO. 18

**A STUDY OF THE
REHABILITATIVE SCHOOL AUTHORITY
AND ITS RELATIONSHIP TO THE
DEPARTMENT OF CORRECTIONS**



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Introduction

This report is being submitted to the General Assembly of the Commonwealth of Virginia in accordance with provisions of House Joint Resolution No. 18 of the 1978 General Assembly. It is aimed primarily at studying the relationship of the Rehabilitative School Authority to the Department of Corrections.

Considerations were given in the study process to the delivery of educational programming, both academic and vocational, to the Department of Corrections by the Rehabilitative School Authority as well as examining the relationship of the Rehabilitative School Authority to the Department of Corrections. The end result of this study would be to assure that the best possible service delivery system for educational programming would be in place for the Commonwealth.

Recommendations by the Governor

Two options were developed by the Task Force to be considered relative to the placement in State government of the Rehabilitative School Authority. Simply stated, these options are (1) to leave the Rehabilitative School Authority in its present location and (2) to place the Rehabilitative School Authority back under the Department of Corrections' umbrella with sanctions to insure its autonomy as an educational entity. The Task Force has recommended that Option 2 be selected.

Following the review of the Task Force report by my office, it is my recommendation that the General Assembly leave the Rehabilitative School Authority in its present location within State government. The rationale for making this recommendation over the option selected by the Task Force is that great strides have been made in the educational process since the Rehabilitative School Authority was established in 1974. These accomplishments are acknowledged in the Task Force report. The problem areas identified in the report do not appear to be overriding ones, but are primarily related to the individual localities and individual personalities involved. Whether or not the Rehabilitative School Authority remains a separate State agency or falls under the Department of Corrections' umbrella, this type of problem would still exist. It is also necessary to take into consideration that the primary duty of the Rehabilitative School Authority is quality education, whereas the primary responsibilities of the Department of Corrections lie in other areas. As directed by the General Assembly in House Joint Resolution No. 81, the Secretary of Public Safety and the Secretary of Education have secured provisional certification from the State Department of Education for the Rehabilitative School Authority. This provisional certification will greatly aid in the transfer of educational credits from the schools operated by the Rehabilitative School Authority to the public school system. This certification had been sought for several years prior to the establishment of the Rehabilitative School Authority and could be placed in jeopardy should the Rehabilitative School Authority come back under the purview of the Department of Corrections. To merge

these two agencies at this time would create another upheaval in the service delivery system of the Rehabilitative School Authority which has begun to function on a high level of stability in personnel and programming at this time.

The Department of Corrections has recently completed a major reorganization into a regional configuration and should be given an opportunity to embed the new management structure and procedures before assuming a major new responsibility.

The focus of the primary functions of the Rehabilitative School Authority and Department of Corrections supports a division of effort. The Task Force felt very strongly on this point and stated "...the integrity of the educational component for incarcerated persons must be maintained while recognizing that the overall responsibility for these persons lies with the Department of Corrections." To add a new division to the Department before the reorganization is fully operational would make it difficult to maintain the integrity of the educational component.

For these reasons, it is my recommendation that the Rehabilitative School Authority be retained as a separate agency for the time being. Ultimately, however, it should be merged into the Department of Corrections.

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History

During the 1974 session of the Virginia General Assembly legislation was enacted to establish the Rehabilitative School Authority as a separate entity within State government. The overall purpose of this legislation was to provide improved academic and vocational educational services to adult inmates and juvenile wards in the institutional facilities of the Department of Corrections. Other stated aims of the General Assembly in creating the Rehabilitative School Authority were:

1. To place academic and vocational educational activities more clearly in the hands of educators (particularly for policymaking).
2. To clarify lines of communication in educational administration and management.
3. To better identify budgetary needs.
4. To ensure that funds appropriated for academic and vocational educational purposes are expended for that purpose.
5. To provide for the overall growth and upgrading of the academic and vocational programs in the Department of Corrections.

The creation of the Rehabilitative School Authority coincided with the legislative action which separated welfare from correctional functions by forming two separate State agencies: the Department of Welfare and the Department of Corrections.

With the passage of House Joint Resolution No. 18 by the 1978 session of the General Assembly, the Governor of Virginia was directed to evaluate the programs of the Rehabilitative School Authority to assess the effectiveness of the working relationships with the Department of Corrections.

To carry out this legislative mandate, a Task Force was appointed by The Honorable H. Selwyn Smith, Secretary of Public Safety. The Task Force was comprised of The Honorable Kermit V. Rooke, Chairman; The Reverend Grady Powell; Dr. Rufus Beamer; Mr. William E. Weddington; and Mr. Lawrence E. Brett. Staff liaison was provided by Mr. E. W. Bell, III, from the Office of the Secretary of Public Safety.

An organizational session was held at which time the scope and procedures for the inquiry were obtained. The Task Force determined that on-site visits should be made to sample operations at field levels. The on-site visits would provide firsthand knowledge to all committee members, some of whom were not familiar with the operational structures and functions of the two State agencies. The Task Force also determined that the

two State agencies should provide the Task Force with documentation concerning operational policies and procedures as well as agreements pertaining to and regulating the intraagency relationships.

The Task Force determined that direct testimony should be obtained from the highest levels of administrative staff through field levels of operation in order to directly sample attitudes as to operational efficiencies and administrative procedures.

The Task Force heard testimony from the following persons: Mr. Branch Rives, Chairman, Board of Rehabilitative School Authority; Mr. Terrell Don Hutto, Director, Department of Corrections; Dr. Charles K. Price, Superintendent, Rehabilitative School Authority; Mr. K. A. Meredith, Superintendent, Harrisonburg Correctional Unit, Department of Corrections; Mr. Randolph Shipe, Principal, Rehabilitative School Authority Unit, Harrisonburg Correctional Unit; Mrs. Diane Snellings, Superintendent, Hanover Learning Center, Department of Corrections; Mr. James Davis, Principal, Rehabilitative School Authority Unit, Hanover Learning Center. During field visits to various institutions, individual members of the Task Force met with staff members at many levels to discuss the programs and administrative relationships between the schools and the institutions.

As a result of the interviews, visitations, and review of documentation provided the Task Force, it was evident that from the outset (in 1974) the staff of the agencies realized that many problems existed. These ranged from the necessity for upgrading the academic and vocational offerings of the school system to establishing adequate lines of communication which would permit the interagency operations to function smoothly at all levels.

The Task Force found that staffs of the Rehabilitative School Authority and the Department of Corrections have expended considerable amounts of time during the last five years identifying the academic and vocational needs of those persons in the Department of Corrections' institutional programs. To no lesser degree, the staffs have established lines of communication from the central office levels to field unit levels in order to improve cooperation and working relationships. The agencies have also established joint staff teams for purposes of studying classification systems, developing programs within the boundaries dictated by security needs, handling of disciplinary problems, assessing capital outlay and renovations to the physical facilities, critiquing of budget submissions, and planning for future program development. The two State agencies have also developed written relationship agreements identifying the duties and responsibilities of each respective agency from top management to the operational levels of the institutions.

The Rehabilitative School Authority has also adopted a plan for obtaining additional staff, reorganizing administrative and service delivery capability, training teachers in their specialty areas, and expanding the curricula in the academic and vocational programs. During the same period, the Department of Corrections was reorganizing its administrative structure in order to upgrade its rehabilitative programs (such as counseling, group work, work and work-release programs), expanding physical plants to meet the growing populations in adult institutions, and developing community-based service capabilities.

The Task Force believes that these efforts have permitted the Rehabilitative School Authority and the Department of Corrections to remediate many of the problems that existed in 1974. In many respects, especially in interagency communications, progress has been substantial. Nevertheless, problems persist as to where final authority lies for institutional operations - with the Department of Corrections or the Rehabilitative School Authority. Difficulty continues to be experienced in meeting the performance goals set by the State Department of Education in its standards of quality and by Public Law 94-142 concerning educational services to handicapped youth, teacher salaries, recruitment, and training of teaching staff. The development of adequate physical facilities often remains a critical problem. Overcrowding in adult institutions and to a lesser degree in juvenile institutions, has also hampered the delivery of academic and vocational programs (as well as related institutional programs).

Findings and Recommendations

As a result of the procedure set forth in this study, the Task Force wishes to present a number of findings concerning the mandates which should be followed by the Rehabilitative School Authority and the Department of Corrections and, finally, to make recommendations pertaining to the future organizational structure of these separate State agencies.

1. The Task Force wishes to stress the belief that the primary function of the Department of Corrections is to receive, detain, and protect persons committed to it by the courts of this Commonwealth during such sentences as may be imposed. It is further the function of the Department of Corrections to carry out and provide the various rehabilitative processes as may be indicated within the institutional operations.

The rationale for this finding is based on the firm conviction that the laws of the Commonwealth, as adopted by the Legislature, must be carried out and enforced for the preservation of peace and order and that the Department of Corrections should not engage in any activity which would be inconsistent with this fundamental function.

2. It is the unanimous opinion of the Task Force that the academic and vocational programs operated by the Rehabilitative School Authority are of considerable value to the inmates and wards confined in Virginia's institutional system. Therefore, they are of considerable value to the Commonwealth; however, insufficient statistical data has been found to prove or to disprove that wards and inmates are materially benefited by these programs. The capability to collect and analyze such data needs to be stressed, developed and implemented.

It is, therefore, recommended that the Rehabilitative School Authority and the Department of Corrections renew their efforts to vigorously develop testing devices and evaluation processes and to

expand the follow-up and aftercare services to include job placement which will permit a thorough research of program benefits.

3. It is the finding of the Task Force that the ultimate responsibility and control of all wards and inmates rest with the Department of Corrections.

While the Department of Corrections and the Rehabilitative School Authority operate (administratively) independent of each other, it is obvious that they are of necessity very dependent on each other for the day-to-day operation/activities within the institutional setting. Historically, this has been a source of problems. Often the Rehabilitative School Authority staff have seen their role as simply a teaching function but, at the same time, have had difficulty living within the more restricted structures that must be maintained at the overall institutional level. Although staff of the two agencies often have different short-range priorities, all interviews and contacts with these staffs indicate both agencies are deeply committed to the concept of quality educational programs.

The Task Force also reviewed the working agreements that have been developed between the Rehabilitative School Authority and the Department of Corrections and applauded this course of action. These documents set forth the duties and responsibilities that have helped the agencies resolve and moderate a number of the problems which have stood in the way of high levels of cooperation and coordination.

There are additional friction points which should continue to receive the undivided attention of both agencies. Sufficient budget allocations should be established to upgrade school physical plants and to provide adequate security and supervision of wards (youths) during school hours. Differences of opinions continue to exist that tend to separate the Department of Correction's and the Rehabilitative School Authority's staffs as to student time allocations and teacher involvement in disciplinary and treatment team activities. The principals and superintendent's interviewed by the Task Force expressed a positive point of view with respect to the present administrative/working arrangements and, therefore, saw little need to change the present organizational structure. On the other hand, higher administrative echelons within the agencies expressed opinions which were more divided. These ranged from the view that the present organizational structure should remain as it is to the belief that no amount of coordination and written agreements can remove the fact that the separate agency approach will remain a disfunctional, cumbersome plan for delivering academic and vocational services.

4. Problems closely tied to the classification and assignment of inmates which are most advantageous to academic and vocational programs continue to be a stress point.

It is only logical that the Department of Corrections' classification services, once security levels and treatment programs have been established, would assign and reassign inmates in accordance with the

Rehabilitative School Authority's program offerings. The Task Force determined that the evaluation and assignment process is shared by the two agencies' staffs, but because of crowded conditions, security demands, and work program requirements, it is not always possible to assign or to prevent reassignment of inmates on a basis that totally meets the academic and vocational needs of the inmates or effectively utilizes the educational programs in the institutions. Institutional staff interviewed expressed the view that progress has been made in this area, but it will continue to be a friction point as long as the institutions remain crowded. Efforts should be continued for the best possible resolution of the problem.

5. It is recommended that each school administered by the Rehabilitative School Authority and having vocational programs establish a local advisory council on vocational education.

The purpose of the local advisory council would be to advise the school officials on: (1) current employment and training needs, and (2) the relevance of programs (courses) being offered by the school in meeting current job needs. The council would also serve as a communications link between the community and the school. The council should be composed of representatives of the general public including at least a representative of: (1) business, (2) industry, and (3) labor.

Recommendation Relating to the Organizational Structure between the Rehabilitative School Authority and the Department of Corrections.

It is the unanimous opinion of the Task Force that significant strides have been made toward establishing an equitable and harmonious relationship between the Department of Corrections and the Rehabilitative School Authority. Nevertheless, it is the group's finding that the organizational structure of two separate agencies has set up an awkward and tortuous administrative structure.

The Task Force sees two options available to remediate this finding:

1. For the time being, leave the present structure as it exists, permitting the two agencies to continue working on problems and stress areas.

This may be a reasonable course to take, since the legislature now meets annually and is, therefore, available to assist in any remedies that might be necessary on relatively short notice. Such a course of "hands off" for the time being would also permit additional operational experience, which may provide clearer indications as to future courses of action.

2. Action could be taken now to reunite the two agencies, placing the Rehabilitative School Authority back within the Department of Corrections in a special function relationship.

Under such a plan, the Superintendent of the Rehabilitative School Authority would function in a management relationship similar to that of the Director of Medical Services in the Department of Corrections. This structure permits a program administrator to cut across all segments of line and staff functions in order to carry out a mission such as academic and vocational programming.

A school mission so organized should retain the present Rehabilitative School Authority Board in an administrative capacity with clearcut authority to establish, evaluate, and enforce standards for the operation of all academic and vocational programming within the Department of Corrections' institutions. Additionally, should such realignment of the two agencies occur, all elements of budget should be kept separate and readily identifiable from the several other functions of the Department of Corrections. This would ensure that funds appropriated for educational purposes could not be spent for other activities.

Several key issues were identified as having to be addressed before any change from the present system of operation can be made. These are as follows: (a) spelling out clear line of authority, (b) clarification of legal interrelationships, (c) responsibility for personnel activity should remain with the educational component, and (d) responsibility for program development and locations.

After deliberations concerning the two options which the Task Force saw available, it was the consensus of the group that Option 2 would be the most plausible alternative to pursue. The major rationale behind this choice was the present administrative setup. While encouraging cooperation from mutually equal administrators, it does not recognize that the Department of Corrections has the overall, legal responsibility for the incarcerated person. This leads to cooperation based on the personality of the individuals involved rather than set administrative structure. Such an administrative structure is subject to change whenever the individuals involved change with no assurance that locally generated cooperation will continue with the new personalities involved. While it was recognized it is impossible to remove totally the human factor from such efforts, it was felt the present administrative structure only accentuates the dependence upon this as a driving force in any cooperation that takes place between the two agencies at a given location. Option 2 would clarify this relationship administratively much more clearly than exists under the present system.

In summary, it was the unanimous opinion of the Task Force that the emphasis in correctional education should concentrate on the provision of appropriate vocational education opportunities with heavy reliance on related academic instruction including basic skills for older juveniles

and adults. Younger juveniles should be provided academic educational opportunities with exposure to pre-vocational skills. Moreover, while a change is recommended in the administrative structure of the Rehabilitative School Authority, the integrity of the educational component for incarcerated persons must be maintained while recognizing that the overall responsibility for these persons lies with the Department of Corrections. If this integrity cannot be maintained, then no change in the administrative structure should be made.

